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application for each one of the plurality of cleaning articles is distinguished from the others of the plurality of cleaning articles to prevent interchange between specific intended cleaning applications.

#### REMARKS

The Examiner's comments and Office Action mailed September 23, 2002, have been carefully considered. The Examiner's objections to the drawings 1-4 have been noted. The Examiner's rejection of claims 1-5 and 14-18 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention is noted. The Examiner's rejection of claims 1-5 and 14-18 under 35 U.S.C. §102 in view of *Carter et al.* (U.S. Patent No. 4,702,381) is noted. The Examiner's rejection of claims 10 and 12 under *Carter et al.* and in further view of *Pirraglia et al.* (U.S. Patent No. D. 390,403) is noted. The Examiner's rejection of Claims 3 and 13 under 35 U.S.C. §103(a) in further view of *Inteso* (U.S. Patent No. 4,598,488) is noted. The Examiner's rejection of claims 5, 11 and 13 under 35 U.S.C. §103(a) as unpatentable under *Carter et al.*, and further in view of *Brach Jr. et al.* (U.S. Patent No. 5,487,203) is noted. The Examiner's rejection of claims 1-3, 6-10, 12 and 14-18 under 35 U.S.C. §103(a) as unpatentable under "Scotch-Brite" pads is noted. The Examiner's rejection of claim 4 under 35 U.S.C. §103(a) as unpatentable under "Scotch-Brite" pads in view of *Demner* (U.S. Patent No. 3,496,589) is noted. The Examiner's rejection of claims 5, 11 and 13 under 35 U.S.C. 103(a) as unpatentable under "Scotch-Brite" pads in further view of *Brach Jr. et al.* is noted.

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### Objections to the Specification

The Examiner objected to the drawings 1-4. The Examiner noted that each of the figures must be separately labeled, i.e., Fig. 1A, Fig. 1B, etc. The Applicant will provide corrected drawings upon receipt of a Notice of Allowance in this application.

The Examiner also rejected claims 1, 14 and 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner noted that in each of claims 1, 4 and 18, lines 3-4, the claim is indefinite as to the "cleaning article." In response, claims 1, 6, 14 and 18 have been amended to more clearly identify the "cleaning article," as well as the group recited, thereby providing appropriate clarity to the claimed subject matter. Also, claim 18 has been amended to delete "the specific intended cleaning."

### Anticipation Under 35 U.S.C. §102 in View of *Carter et al.*

The Examiner rejected claims 1-5 and 14-18 under 35 U.S.C. §102 as being unpatentable over *Carter et al.* The Examiner noted that *Carter et al.* discloses "His" and "Hers" towels. The Examiner considered the indicia thereon to be the indicia indicating articles to be cleaned, i.e., a man's body, face, etc., and a lady's body, face, etc.

In response, the Applicant notes that nowhere does *Carter et al.* indicate that the intended cleaning application for the article disclosed therein would be even remotely associated with non-human cleaning applications, as presently claimed. More importantly, the reference does not teach a plurality of cleaning articles. It discloses only one towel and provides no teaching of using the indicia (32) to distinguish one cleaning application from

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another. Certainly, the reference does not teach a plurality of non-human cleaning articles, each having a different indicia corresponding to a different intended cleaning application. There is no basis whatever in the reference or in any other art made available to the Applicant in this action that one would provide a plurality of such non-human cleaning articles in the identification system set forth in the presently claimed invention. Thus, the Applicant respectfully requests reconsideration of the foregoing rejection.

Obviousness Under 35 U.S.C. §103 Over *Carter et al.*

The Examiner rejected claim 10 and claim 12 under 35 U.S.C. §103(a) as being unpatentable under *Carter et al.* The Examiner concluded it would have been obvious to modify the color of the towel as an indication of application, and the Examiner indicated it would have been obvious to use lithographic and stenciling processes to provide the indicia.

In response, the Applicant contends that claims 10 and 12 are patentable under *Carter et al.* for the same reasons as set forth above. Moreover, *Carter et al.* makes no reference to or suggestion of any specific application process for applying the indicia nor does it suggest anywhere the use of color as an indicia. Applicant respectfully requests reconsideration of the rejection.

Obviousness Under 35 U.S.C. §103 Over *Carter et al.* In View of *Pirraglia et al.*

The Examiner rejected claim 4 under *Carter et al.*, as discussed above, and in further view of *Pirraglia et al.* under 35 U.S.C. §103(a), contending that the latter reference shows the idea of making the outline of a towel in the shape of a person. In response, Applicant respectfully disagrees. *Pirraglia et al.*, at best, shows a single angel and not a specific

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intended cleaning application. Since it cannot be disputed that angels do not require cleaning, *Pirraglia et al.* cannot be viewed as disclosing a specific intended cleaning application having an indicia in the form thereof. Moreover, the outline of the towel of *Pirraglia et al.* does not disclose or teach a non-human cleaning application that is capable of distinguishing one from another cleaning application, nor does it disclose a plurality of cleaning articles or applications. Accordingly, *Pirraglia et al.* suffers from the same deficiency as *Carter et al.* Reconsideration of the rejection is respectfully requested.

Obviousness Under 35 U.S.C. Under *Carter et al.* In View of *Inteso*

The Examiner rejected claims 5 and 13 under 35 U.S.C. as being unpatentable over *Carter et al.* as applied above, and in further view of *Inteso*. The Examiner noted that it would have been obvious in view of *Inteso* to modify *Carter et al.* by making the indicia raised. In response, the Applicant requests reconsideration in view of the otherwise allowability of claims 1 and 6, from which claims 5 and 13 ultimately depend. Moreover, there is no teaching in either reference to obtain the claimed combination.

Obviousness Under 35 U.S.C. 103 Under *Carter et al.* In View of *Brach Jr., et al.*

The Examiner rejected claims 5, 11 and 13 under 35 U.S.C. §103(a) as being unpatentable over *Carter et al.*, as applied above and in further view of *Brach Jr., et al.* The Examiner contended that *Brach Jr., et al.* further teaches the idea of making the indicia raised, which would create a more aesthetically pleasing display. Moreover, the Examiner contended that *Brach Jr., et al.* teaches the idea of making the indicia recessed, which the Examiner likewise contended would be a more aesthetic display.

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In response, the Applicant requests reconsideration in view of the allowability of otherwise allowable claims 1 and 6, from which claims 5, 11 and 13 ultimately depend and the failure of the art to suggest the combination.

Obviousness Under 35 U.S.C. §103 Under "Scotch-Brite" Pads

The Examiner rejected claims 1-3, 6-10, 12 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over "Scotch-Brite" scour pads with indicia. The Examiner contended that the "Scotch-Brite" scour pads teaches a scouring pad with indicia thereon. The Examiner notes that the "Scotch-Brite" scour pads also indicates that another product, "Scotch-Brite" cookware sponge, could be used on tubs. The Examiner admitted that the "Scotch-Brite" scour pads, however, do not specifically show a second cleaning article for cleaning a different article. However, the Examiner considered it obvious to one with ordinary skill in the art to modify the "Scotch-Brite" scour pads with indicia by adding a "Scotch-Brite" cookware sponge, since this would allow a wider range of articles to be properly cleaned within a household. With regard to claim 10, the Examiner further noted that the "Scotch-Brite" scour pads do not disclose whether the indicia has color which is different than the color of the pad, it would have been obvious to do so.

In response, the Applicant respectfully submits that nothing in the "Scotch-Brite" scour pads suggests, teaches or indicates the desirability of providing a plurality of cleaning articles, each having a different cleaning application. Specifically, the reference itself teaches that the "Scotch-Brite" scour pads with identical indicia thereon can be used in "all heavy duty jobs like cast iron pots, stoves, bumpers, broilers, garden tools, grates, grills and white-wall tires."

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The other "Scotch-Brite" products recited are different product lines sold as one off products. They are not provided as a plurality of differently marked products bearing different indicia, each indicia signifying a different cleaning application. Accordingly, reconsideration is respectfully requested.

Obviousness Under 35 U.S.C. Over "Scotch-Brite" In View of *Damner*

The Examiner rejected claim 4 under 35 U.S.C. §103(a) as unpatentable over "Scotch-Brite" as set forth above, in further view of *Damner*, showing the figure of the cleaning article in the shape of the article to be cleaned. While Applicant admits that the *Damner* reference teaches a cleaning article having the shape of the intended cleaning application, it does not in any way, shape or form disclose the plurality of such articles having a different intended cleaning application. Nor do its teachings suggest to motivate one having skill in the art to effect such system. Accordingly, Applicant requests reconsideration.

Obviousness Under 35 U.S.C. Under "Scotch-Brite" In Further View of *Rogers et al.*

The Examiner rejected claims 5 and 13 under 35 U.S.C. §103(a) as unpatentable over "Scotch-Brite" in further view of *Rogers et al.* The Examiner applied the "Scotch-Brite" reference as disclosed above, but did not disclose the idea of making the indicia raised. The Examiner noted that *Rogers et al.* teaches the idea of embossing the indicia on a sheet. In view of *Rogers et al.*, the Examiner contended it would have been obvious to one with skill in the art to modify the "Scotch-Brite" pads by making the indicia raised.

In response, the Applicant respectfully requests reconsideration. There is not one teaching, motivation or suggestion in either of *Damner et al.* or "Scotch-Brite" to effect the

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combination described therein. Moreover, in view of the fact that claims 5 and 13 ultimately depend from otherwise allowable independent claims, reconsideration is respectfully requested.

Obviousness Under 35 U.S.C. §103(a) Under  
“Scotch-Brite” In View of *Brach Jr. et al.*

The Examiner rejected claims 5, 11 and 13 under 35 U.S.C. §103 as being unpatentable over “Scotch-Brite” as applied above in further view of *Brach Jr. et al.* *Brach Jr. et al.* was asserted as disclosing the idea of making raised or recessed indicia to create a more aesthetically pleasing display.

In response, Applicant requests reconsideration in view of the otherwise allowability of claims 1 and 6 from which claims 5, 11 and 13 ultimately depend, there being no motivation, suggestion or teaching to otherwise reach the invention disclosed therein.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned “Version With Markings to Show Changes Made.”

CONCLUSION

For the reasons set forth above, Applicant contends that the presently pending claims 1-18 are in allowable condition and reconsideration is respectfully requested. Should the Examiner find it useful, the Examiner is invited to contact the undersigned for further discussion as would be appropriate.

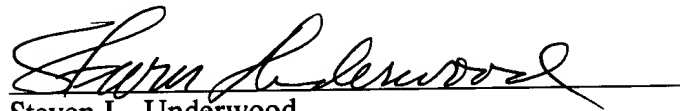
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Respectfully submitted,

GIGI C. GORDON

By: Price, Heneveld, Cooper, DeWitt & Litton

Dec. 23, 2002  
Date

  
Steven L. Underwood  
Registration No. 35727  
695 Kenmoor SE  
P.O. Box 2567  
Grand Rapids, Michigan 49501-2567  
616/949-9610

SLU/p



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please amend claims 16, 16, and 17 as follows:

1. [Amended] An identification system for identifying and distinguishing individual cleaning articles for cleaning a non-human surface, each of [the] said cleaning articles selected from the group consisting essentially of [wiping and absorbent devices, including] sponges, wipes, towels, rags, cloths, blotters and metallic and non-metallic scrubbers, the identification system comprising a plurality of said cleaning articles, each cleaning article intended for a different specific intended cleaning application, each of the cleaning articles including an external surface, a cleaning surface disposed on the external surface for a specific intended cleaning application, and identifying indicia constituting a visually distinguishing external feature for identifying the specific intended cleaning and the specific intended cleaning application of each of the plurality of cleaning articles, the identifying indicia distinguishing each of the cleaning articles for different intended cleaning applications one from another and specifying the specific intended cleaning application of each of the plurality of cleaning articles.

6. [Amended] An identification system for identifying and distinguishing individual cleaning articles for cleaning a non-human surface, the identification system comprising a plurality of said cleaning articles, each of [the] said cleaning articles selected from the group

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consisting essentially of [wiping and absorbent devices, including] sponges, wipes, towels, rags, cloths, blotters and metallic and non-metallic scrubbers, each of the plurality of cleaning articles being intended for a specific cleaning application and including an external surface, a cleaning surface disposed on the external surface of each of the plurality of cleaning articles for a specific intended cleaning location, and identifying indicia constituting a visually distinguishing feature for identifying the specific intended cleaning application of each of the plurality of cleaning articles, the indicia including a visually discernible identification associated with the cleaning article for distinguishing each of the cleaning articles for different intended cleaning applications one from another, for specifying the specific intended cleaning application of each of the plurality of cleaning articles and for associating the specific intended cleaning application of each of the plurality of cleaning articles with the specific intended cleaning application of each of the plurality of cleaning articles.

14. [Amended] A method of distinguishing cleaning articles for cleaning a non-human surface, one from another, wherein each of [the] said cleaning articles is selected from the group consisting essentially of [wiping and absorbent devices, including] sponges, wipes, towels, rags, cloths, blotters and metallic and non-metallic scrubbers, the method comprising the steps of providing a plurality of said cleaning articles, each intended for a specific intended cleaning application, selecting for each of the plurality of cleaning articles a visually discernible indicia associated with the cleaning article and with the intended cleaning application, the indicia being different from the indicia of the other of the plurality of cleaning articles intended for different intended cleaning applications so as to facilitate visual

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determination of the intended cleaning application and discrimination of the cleaning articles intended for different intended cleaning applications one from the other, and applying the indicia to the cleaning articles.

18. [Amended] An identification system for identifying and distinguishing individual cleaning articles for cleaning a non-human surface, each of [the] said cleaning articles selected from the group consisting essentially of wiping and absorbent devices, the identification system comprising a plurality of said individually unique cleaning articles, each cleaning article intended for a different specific intended cleaning application, each of the cleaning articles including an external surface, a cleaning surface disposed on the external surface for a specific intended cleaning application, and identifying indicia constituting a visually distinguishing external feature for identifying the specific intended cleaning [and the specific intended cleaning] application of each of the plurality of cleaning articles, the identifying indicia specifying the specific intended cleaning application of each of the plurality of cleaning articles, wherein the specific intended cleaning application for each one of the plurality of cleaning articles is distinguished from the others of the plurality of cleaning articles to prevent interchange between specific intended cleaning applications.